

part that the article should be relabeled under the supervision of a representative of this department as imitation oil of sassafras.

E. D. BALL,

Acting Secretary of Agriculture.

7008. Adulteration and misbranding of oil of birch. U. S. * * * v. 3 Cans of a Product Purporting to be Oil of Birch. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9545. I. S. No. 13646-r. S. No. E-1191.)

On December 20, 1918, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 3 cans of a product purporting to be oil of birch, remaining unsold in the original unbroken packages at New York, N. Y., alleging that the article had been shipped on or about December 9, 1918, by M. G. Teaster, Elk Park, N. C., from Johnson City, Tenn., and transported from the State of Tennessee into the State of New York, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was represented to the purchaser thereof as birch oil.

Adulteration of the article, considered as a drug, was alleged in the libel for the reason that it was sold under and by a name recognized in the United States Pharmacopœia and differed from the standard of strength, quality, and purity as determined by the test laid down in said Pharmacopœia, official at the time of investigation, and in that its strength and purity fell below the professed standard and quality under which it was sold. Adulteration of the article, considered as a food, was alleged for the reason that a substance, to wit, synthetic methyl salicylate, had been mixed and packed therewith so as to reduce and lower and injuriously affect its quality and strength, and had been substituted in part for the article.

Misbranding of the article, considered as a drug, was alleged for the reason that it was an imitation of, and offered for sale under the name of, another article. Misbranding of the article, considered as a food, was alleged for the reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, the statement, "Oil of Birch," was false and misleading and deceived and misled the purchaser.

On June 19, 1919, Millard G. Teaster, Elk Park, N. C., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be released to said claimant upon the payment of the costs of the proceedings and the execution of a bond in the sum of \$222, in conformity with section 10 of the act, conditioned in part that the product should be labeled as imitation oil of birch under the supervision of a representative of this department.

E. D. BALL,

Acting Secretary of Agriculture.

7009. Misbranding of Tonic Remedy. U. S. * * * v. 10 Boxes of Tonic Remedy. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 9546. I. S. No. 2328-r. S. No. W-259.)

On December 19, 1918, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 10 boxes of Tonic Remedy, consigned on November 11, 1918, by Teele & Co., San Francisco, Cal., remaining unsold in the original unbroken packages at Seattle, Wash., alleging that the article had been

shipped and transported from the State of California into the State of Washington, and charging misbranding in violation of the Food and Drugs Act. The article was labeled, in part, "Tonic Remedy This wine has long been used by Invalids as a remedy for Chronic Diseases, Nervous System, Blood, Stomach, Kidney Troubles and Rheumatism. * * * Prepared by Dr. Yan Nin Tong, Canton, China."

Misbranding of the article was alleged in the libel for the reason that the label failed to bear a statement showing the quantity or proportion of alcohol present, and in that the therapeutic claims on said label were false and fraudulent.

On January 9, 1919, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be destroyed by the United States marshal.

E. D. BALL,

Acting Secretary of Agriculture.

7010. Adulteration and misbranding of tomato catsup. U. S. * * * v. 221 Cases of Tomato Catsup. Consent decree of condemnation and forfeiture. Product ordered released on bond. (F. & D. No. 9283. I. S. Nos. 9428-p, 5502-r. S. No. C-922.)

On September 4, 1918, the United States attorney for the Western District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 221 cases, each containing 24 bottles of tomato catsup, remaining unsold in the original unbroken packages at Superior, Wis., alleging that the article had been shipped on November 13, 1917, by the Brooks Tomato Products Co., Collinsville, Ill., and transported from the State of Illinois into the State of Wisconsin, and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part, "St. Clair Brand Tomato Catsup. * * * Mfgd. by Brooks Tomato Products Co., Collinsville, Ill."

Adulteration of the article was alleged in substance in the libel for the reason that it consisted in whole or in part of a filthy, decomposed, and putrid vegetable substance.

Misbranding of the article was alleged in substance for the reason that it was an imitation of tomato catsup, and was offered for sale and sold under the distinctive name of tomato catsup, whereas, in truth and in fact, it was not tomato catsup, but consisted largely of a filthy, decomposed, and putrid vegetable substance, and the statements borne on the label were false and misleading, and calculated to deceive and mislead purchasers thereof.

On May 17, 1919, the said Brooks Tomato Products Co., claimant, having consented to a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be delivered to said claimant upon the payment of the costs of the proceedings and execution of a good and sufficient bond, in conformity with section 10 of the act.

E. D. BALL,

Acting Secretary of Agriculture.

7011. Adulteration and misbranding of cottonseed meal. U. S. * * * v. Crescent Cotton Oil Co., a corporation. Plea of guilty. Fine, \$100 and costs. (F. & D. No. 9300. I. S. No. 9152-m.)

On April 15, 1919, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Crescent Cotton Oil Co., a corporation, Memphis, Tenn., alleging shipment by